

MEDICINE BOARD[653]

Notice of Intended Action

Proposing rule making related to appointment of the executive director and providing an opportunity for public comment

The Board of Medicine hereby proposes to amend Chapter 1, “Administrative and Regulatory Authority,” Iowa Administrative Code.

Legal Authority for Rule Making

This rule making is proposed under the authority provided in Iowa Code section 147.76.

State or Federal Law Implemented

This rule making implements, in whole or in part, Iowa Code section 135.11B.

Purpose and Summary

During the 2019 Legislative Session, the General Assembly passed 2019 Iowa Acts, House File 766, section 59 (now codified as Iowa Code section 135.11B), which provides that the Executive Director of the Board of Medicine shall be appointed by the Director of the Department of Public Health. This Notice proposes to amend subrules 1.3(5) and 1.3(6) to reflect this change.

Fiscal Impact

This rule making has no fiscal impact to the State of Iowa.

Jobs Impact

After analysis and review of this rule making, no impact on jobs has been found.

Waivers

Any person who believes that the application of the discretionary provisions of this rule making would result in hardship or injustice to that person may petition the Board for a waiver of the discretionary provisions, if any, pursuant to 653—Chapter 3.

Public Comment

Any interested person may submit written or oral comments concerning this proposed rule making. Written or oral comments in response to this rule making must be received by the Board no later than 4:30 p.m. on January 21, 2021. Comments should be directed to:

Joseph Fraioli
Iowa Board of Medicine
400 SW Eighth Street, Suite C
Des Moines, Iowa 50309
Phone: 515.281.3614
Email: joseph.fraioli@iowa.gov

Public Hearing

A public hearing at which persons may present their views orally or in writing will be held via Google Meet at the link below. Participants may also call in via phone at the following phone number: (US)

+1 971.801.0248. When prompted, enter PIN: 443 922 280#. Please mute your phones or microphones upon entering the meeting.

January 20, 2021
2 to 3 p.m.

Google Meet
meet.google.com/xwz-winy-fyw

Persons who wish to make oral comments at the public hearing may be asked to state their names for the record and to confine their remarks to the subject of this proposed rule making.

Any persons who intend to attend the public hearing and have special requirements, such as those related to hearing or mobility impairments, should contact the Board and advise of specific needs.

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making at its [regular monthly meeting](#) or at a special meeting. The Committee's meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

The following rule-making action is proposed:

Amend rule 653—1.3(17A) as follows:

653—1.3(17A) Organization of board. The board:

1.3(1) to 1.3(4) No change.

1.3(5) Has the authority to:

a. Administer the statutes and rules relating to the practice of medicine and surgery, osteopathic medicine and surgery, ~~and the practice of acupuncture by acupuncturists, and the practice of genetic counseling by genetic counselors.~~

b. Review or investigate, upon receipt of a complaint or upon its own initiation, based upon information or evidence received, alleged violations of statutes or rules which relate to the practice of medicine and surgery, osteopathic medicine and surgery, ~~and the practice of acupuncture by licensed acupuncturists, and the practice of genetic counseling by licensed genetic counselors.~~

c. to m. No change.

n. ~~Hire and supervise the executive director.~~ Advise the director of the department of public health in evaluating potential candidates for the position of executive director, consult with the director in the hiring of the executive director, and review and advise the director on the performance of the executive director in the discharge of the executive director's duties.

o. and p. No change.

1.3(6) ~~Appoints~~ Guide and direct a full-time executive director who:

a. Is not a member of the board.

b. Under the supervision of the director of the department of public health and the guidance or direction of the board performs administrative duties of the board including, but not limited to: staff supervision and delegation; administration and enforcement of the statutes and rules relating to the practice of medicine and surgery, osteopathic medicine and surgery, ~~and the practice of acupuncture, and the practice of genetic counseling~~; issuance of subpoenas on behalf of the board or a committee of the board during the investigation of possible violations; and enunciation of policy on behalf of the board.

1.3(7) No change.